

DDDS Governor's Advisory Council
Medicaid Transition Day Services Work Group Transcription
May 20, 2015 9:30 a.m. – 12 p.m.

Members Present: Teesie Bonk, Gary Cassedy, Marissa Catalon, Katina Demetriou, Susannahh Eaton-Ryan, Brian Freedman, Terri Hancharick, Lisa Furber, John Mahon, Daniese McMullin-Powell, Sybil White, Gail Womble

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Female: Marissa, are you going to bring your computer?

Female: Oh, your computer.

Female: Yes.

Female: Oh, well Brian can take notes.

Female: Oh, you got nominated.

[Laughter]

Female: One of each?

Male: Gail's way of keeping me from contributing.

[Laughter]

Female: Yeah. Right. The report -- his, his failures.

Female: Agenda. The agendas are in front of me, does anybody. Okay. Sorry.

Female: Okay. This is Susannah, we're getting ready to start. I say this again because we're --

Female: Really going to do it?

Female: Turned us on. Does everyone have the agenda and the grid and the minutes?

Female: Yes.

Female: Okay. Thank you, Sybil.

Female: Perfect.

Female: Does anyone have additions or changes to the agenda? Does anyone want to make any comments on the minutes from last week's meeting? Brian? Were you just -- exuberant or did you have --

Male: No. No -- no comment. This is Brian. No comment on -- the minutes.

[Laughter]

Male: She's calling you down already.

Female: I know, I'm set (phonetic).

Female: Marissa, we still have our sanding question for DVDS? Your next up on the agenda.

Female: Oh. I'll pass.

[Laughter]

Female: Does anyone --

[Laughter]

Male: That's good. That's really good.

[Laughter]

Female: I don't even know what to say. I didn't know passing was an option.

Female: I'll pass.

[Laughter]

Female: I, I still have not got a hold of Jean for that one question. It's a pretty simple question, but I just, I

don't think I should answer it until I talk to her. So I'm work very hard to get that for the next meeting.

Female: This is Terry. What was the question again? Just to refresh.

Female: Whether, um, whether after the division reviews the recommendations from this committee, if it will come back to this committee for discussion.

Female: Okay. Thank you.

Female: Uh-huh.

Female: And we don't know the answer to that.

Female: Sorry.

Female: Kimberly's not here. So we won't have any feedback from the residential committee, which we were hoping to have. Was anyone at their meeting last Thursday?

Female: Denise.

Female: Denise, did they discuss the V word?

Female: Yes. They did.

[Laughter]

And they had a big problem as to how to word it, but they finally came up with -- (laughter) is -- is this V thing, facilitated to be available to residents. So -- it is included in there.

Female: Okay. So this is Susannah, unless anyone objects, then are we are comfortable that it is covered in one of the recommended assessments? And that it doesn't need to be this one. But it is in that one. Terry?

Female: I'm not going to do it. I still think it's appropriate for a day program.

Female: Okay.

Female: Okay.

Female: To ask the question.

Female: I suggest when we go through, we're going to literally go through these things.

Female: Sure.

Female: When we do, if you want to bring it up at that time when we're talking about activities.

Female: Very quickly.

Female: Yes. Um, okay.

This is Susannah. Marissa and I worked on the grid and what we did, the first thing we did was to organize the investigations in the format that's Steven Groth used when he presented to family's speaking up. And the reason I wanted to do that was because as it goes up the chain, our recommendations, it will be easiest for them to go through them rather than trying to understand how we organized our thoughts, if we did it this way. His -- um, his points, which are one, two, three, four, if you look at the grid, um, came right from the CMS ruling. So four and five. It doesn't reinvent anything. It simply organizes the question in the way that they are familiar with so they're not struggling to figure out what we're trying to accomplish. As we're working through this, obviously, this is open for discussion, but that's how we organized it for the purposes of this first draft of the grid.

Um, so does anyone have a suggestion on how you would like to go through this?

Male: Quickly.

[Laughter]

Female: It's going to be a good meeting today.

[Laughter]

Female: Yes-no majority rule.

Female: Okay. I like that.

Female: You know, read it off -- in favor, you know?

Female: Okay. The first category is to support full access to the greater community. That's the first category, that's what came from the CMS ruling. All of the questions under there more or less fit there. I

think we want to be sure, one, we want these questions in there, and do we want others? I think that's really the first task and if we want to wordsmith along the way, Marissa's on the computer and she can facilitate that very easily. So would someone like to tackle category one? TC?

Female: Okay. A, is the setting located in the same building or on the same campus as an institutional treatment option, in parentheses, a setting that's either a nursing facility, institutions for individuals with mental illness or an intermediate wait very facility for individuals with intellectually/ developmental disabilities.

Female: This was in every state's in one form or another. Is everyone -- yes-no --

Female: Yes.

Female: Yes.

Female: Yes.

Female: Is every one yes on that?

Female: Yes.

Female: Any need to wordsmith?

Female: It would definitely fall under the category.

Female: Sidebar over there.

Female: No, were good. This is Terry, I wanted to make sure it took in the grounds of Stokley and it does. Okay.

Female: So one all in agreement that one should be there and we're fine with the wording of number one, A, excuse me.

Male: Susannah, this is Brian here. Just a quick clarifying question on the process here. So are these questions put together with the thinking that they apply to all services that we're talking about? Because I can see some that might not apply.

Female: When we did this, we did not block it down to the four services.

Male: Right. Because we went through them.

Female: And we did. And Marissa -- I can --

Female: Our conversation yesterday, um, if -- and perhaps the committee has a dis-perspective, but it seems as though the decision at the end of the meeting was really, all of the questions would likely apply to all services and perhaps very few would not. In the cases you would mark where they were not applicable. I think it was based on some of Gary's comments. Does that sound like my memory is faulty or pretty much on point?

Female: Yeah?

Female: Yeah.

Female: Gary is shaking his head yes. Are you thinking, Gary are you trying to remember?

Male: I was nodding off asleep. I think that is right.

Female: Let him sleep.

[Laughter]

Male: I think that is right.

Female: Denise?

Female: This is Denise. It does apply to all services that are founded by home and community-based Medicaid dollars.

Male: Right. This is Brian. So the question was do all of those questions apply to all services because there might be some questions, so like Gary gave the example, if somebody gets a job on a working farm, not a place that's designed specifically for people with disabilities, but a dairy farm, um, would that constitute being within the, you know, when we get to a question, ability is that within a community, it is a legitimate competitive job, so,so but would that meet criteria on a question that asks is that part of a community should?

Female: I think, this is Catena, I believe the answer to that would be yes. Because in Suffolk county it is rural. And if they are working on the farm and that's what their design to be, that's a community in itself.

Female: Uh-huh.

Female: This is Susannah, Brian, I don't think Brian is asking whether or not, I think it does --

Male: I'm not saying does that count as competitive.

Female: No, no, but I think it counts as in the greater community -- the employment side is still in a community, it just doesn't mean there is a grocery store within five minutes.

Female: So Catena, help me understand, what you're saying would not be an NA.

Female: I don't think it is an NA, I think it is yes. I can provide the documentation if it was questioned.

Female: This is Denise. Person is able to interact with other people not receiving community-based services funded by Medicaid. So they are interacting with other people that may or may not have disabilities.

Female: I agree with you, I think it has to go back to the definition of what is supportive or competitive employment is.

Male: Right. This is Brian. Maybe we can wait and this might come up with some of the questions then we can just do it, my apologies for bringing it now. We will wait until it applies to a question. That would be a good point for conversation.

Male: Yeah. This is Gary, I agree, and I think a lot of it goes to what the available response set is to whether some of these distinctions are workable or not. Because I think it has already been established that you don't have to 100% absolute compliance with every one of these nuisances, it is looking at a response setting as a whole for a particular setting.

Male: Yep.

Female: So I guess going back to the very beginning we're not breaking it down into the different services, we're not checking anything. This is just going to be across the board.

Female: This is Susannah, as Marissa said, she thought the group agreed it would apply to everything. If they -- the case where they were most likely not to apply would be supported employment and it would just be NA when we go to formatting.

Female: Okay.

Female: Recommended formatting.

Female: Okay. Do individuals participate in any of the following activities of his or her choosing in the community. In parentheses check all that apply. Well, would this be -- oh, would this be for employment? All these?

Male: Yes, this is Gary. Um, I think all this information is fine in being descriptive of how a program setting operatives, but what the responses are don't necessary mean anything on a definitive basis in terms of compliance.

Female: Okay.

Male: As long as that's the case I think we're fine. I gather that the flavor of it, um, intended would be that at least some of these things are available in the program. Because for instance, I'm sure it's the case that, um, let's see here -- um, some programs involve volunteer activities, some don't. I would assume that might be fine. Religious activities may well not be facilitated in the course of a day program. And I'm -- my view is that would be fine. But the notion would be that there are some means of community access and activity -- um engendered in the program, but not that all of these specific things are required.

Female: This is Susannah, we have not been able to clarify the percentage, but we do know that it's been stated that in order to comply you do not need to be 100%. Steven Groth said, that was not the intent of it, but we don't know where that lies, but in the case of this, um, I think this is, my opinion, this creates a picture of the program versus the literal, and, and if we're going to earlier put in how many people do you serve in

your program. If you serve 500 people and only one of these gets checked. Someone is going to look and say that doesn't look so great, but, you know.

Male: This is Gary. I think we ought to operate under the assumption there is not a scorecard so we don't have to worry about splitting hairs. That you know, it's going to end up being a subjective judgement on the part of DDDS, not this group and not -- anyone else has to whether the setting is globally in compliance. The provider is not going to be asked is your setting in compliance with the rule. You're being asked specific questions to answer, period.

Female: Right.

Male: So we don't have to worry about the scorecard the notion of whether that means the setting is in compliance or not.

Female: Isn't that the whole point?

Male: You're missing my point.

Female: I'm sorry. This is Susannah, for missing you point.

Male: It is not a scorecard. So when we look at each individual item we don't need to wrestle it to the ground as it being the acid test for compliance?

Female: Okay. I understand that.

Male: This is Brian, so while I like the idea of this question, you know, my, my concern might be, if the intent is to paint a picture of the service provided, if you have one person that does this one time a month, then in, in -- among a group of 200 people that you served then it gets checked off, and that doesn't actually paint the picture of the kind of work that that provider is doing and, and the, the extent to which those individuals are accessing the community. Now, I'm bringing that up without a suggestion of how to change it. So I apologize for that. But--

Female: This is Susannah.

Male: Right.

Female: My next question is do you think we should have, and there are states that did that. How many people in your program do this. That was, that was in other state's programs.

Male: This is Gary. Um, a suggestion to resolve that might be some of the tools have a frequency grid where you're rated to state at a general rally, what is the frequency of this activity, and that would be in, you know, it's not enumerating it like 37 people do this once a week. 39 people do it twice a week. Etc., that is nonsense, we would never get through the process. But I'm okay with the notion, like the, the Michigan one has a defined, um, frequency grid. So in addition, to yah or nay, you would just say what the general picture is.

Female: This is Susannah. Would you like to make the recommendation that we expand on one B to include the frequency grid from Michigan?

Male: This is Gary. Just for further information and we didn't specifically look at Michigan. It came to us relatively late, but it looks like it is a very good example. The available terms and their defined are daily, regularly, weekly, occasionally, and annually. And each one of them is defined. You know, look at least once a day. More than once a week, but less than every day. At least once a week, at least once a month, at least once a year. So it really paints a pretty clear picture without having to assign numbers.

Female: This is Terry, but that wouldn't be a problem. I know there are day programs that have like a community piece and either one or two people are totally out in the community and the rest of the people are in the setting. Could that be misconstrued that they paycheck all these are happening, but they are only happening with one or two people and that doesn't give the picture.

Male: Hmm.

Male: This is Brian, it is almost like you need, I know this is complicating it further. I'm confident we can find a way to make it more simple. But like you need two categories. You need a sense of how many

people being served are accessing these things and how often are those people who are accessing it, or, are actually accessing.

Female: Right. This is Susannah, wouldn't it make sense to have the grid rather than check put the number of people in the grid. So if you have a-- Marissa is making a face that me.

Female: So haven't you, you would probably get a zero, I hate to say this, for religious or spiritual services. You would probably get a zero for individual shopping.

Female: Not necessarily.

Female: No.

Female: Nope.

Female: That working.

Female: Not if they are in a commune, or part of their day habilitation services and it is in the plan you're working on money skills or navigation, or just giving them access to the community as a transitional plan to get them into the community.

Female: Do they do that, do people go out individually with a job coach shopping?

Female: They could.

Male: Sometimes.

Female: Yes.

Male: Yes. Actually they do.

Female: Okay.

Male: Or in a small group.

Female: It doesn't mean it is one-on-one, funding doesn't always allow that, but the possibility for two or three individuals to go and shop for personal care items or their uniforms for work, or something that means something to them to be in the community, because you're working on -- a Marriott of things. It could be behavior, it could be socialization, it could be communication, it could be navigation, it could be using the bus, you need to tie it into, if I'm going to get on the bus and go somewhere, I better not be window shopping.

Female: Right.

Female: Like walking through the mall -- let's have a process for walking through the mall. I'm going to buy something. I'm going to get something out of that experience and then --

Female: Okay. That's what they do individually then.

Female: Or in a small group. We have to be careful.

Female: That's what I mean. That's what it says here, individual shopping, do you put --/--

Female: Individuals participate. I think it says, no, individuals participate.

Female: It does. This is Susannah?

Female: It does not define.

Female: This is TC talking. I'm thinking that --

[Laughter]

Female: It is not Gail.

Female: This is Gary talking.

[Laughter]

Female: I'm thinking it is an individual going shopping -- like not, not the individual -- all right. Never mind. This is --

Female: This is Marissa, I just want to clarify job coach indicates something to me. It indicates a staff person assisting someone on their job. If, if we're talking about day habilitation services we're probably referring to direct support persons opposed to job coaches so I just want to clarify that.

Female: Good point.

Female: So would -- where do we stand on this? Do we want to -- yes. No, maybe, more wordsmithing --

Female: Could I -- let me ask this question -- because I think it does come down to how many folks were servicing in the category. If we have a program that does day habilitation, supported employment, pre voc. Those numbers are important. Right? I serve 20 people in this service category. And under those service categories we may have some of the activities listed, like it is here, and if -- have a clearer picture. So hypothetically I have 20 people in employment. Um, do they have the access to buy their lunch, go, you know, take a break, take a vacation, those kinds of things we think about as a typical employee. Is that happening? I mean, that's pretty generalized. And that way we can sigh, 20 people are in employment and check-off, yes. These activities are happening across the board for those folks. They may happen for one or 20, but we know that 20 people in the service category. And these are the choices. Some people may not choose to go out to lunch.

Male: Right. This is Gary. My assumption is similar, we're talking on average and what is the general practice within the setting, not how it boils down to each individual, because it is not exceptions we're looking for, it is what is the compression or the general environment of the center.

Male: This is John. This goes back to a question, I think that we talked about throughout the entire process, which is about access, too. Do they have access to this. If they have access to it, whether they chose to do it or not is a whole other question. If they have access to it, then I think you meet the requirements of the DDS. And, and as far as these goes, when I look at these, these are qualifiers. These are qualifiers for the service. Going back to catena's comment, I know that times we offer a very diverse right of services. Some of which would be these things would be appropriate for this service. Some of which would be more appropriate for the employee. Piece. So you know, widen this yes or no if I would were to mark this, I would mark every one of these yes. Except for the religious access. But then I would go back and have to qualify that within the day hab program, the pre voc program, supportive employment program. Whatever the case might be. Because they are not going to be universal.

Female: So this is Susannah. I totally agree, but I'm going to go back to an umbrella view of this. What is the purpose of this assessment tool and how do we capture -- what they're looking to achieve in this one B. Which is, and I agree, access, to activities in the community of their choosing.

Female: Let me ask this -- if this is a yes-no or non-applicable question. I have to tell you, I would answer this question no. If I had to generalize it across all settings. Only because one part of this question, if we're looking at it the way it is written. Religious and spiritual services that is a no. I can't think of one person that I know that has access to that. They're not denied access, but, um, oh, no, never mind, I will go back.

Female: Wouldn't that be residential, though?

Female: Yeah. I didn't want to go through. But if someone said to me I need to go and do this, we would not deny them access. So I came back to the question and say, yes. They do have access. Where I think the question becomes is, it is the all, is one person receiving it and we mark it yes. That's where I think the grid will come into play, to say these are the activity happened in each service category we deliver. How many folks are in those and here's what they can access. If the person wants to know specifics. Then put it back on the person that is evaluating us to say, then I want to know how many folks are you, are that are in prevocational services are having the opportunity to go shopping.

Female: This is Susannah, that would go back to your recordkeeping. That would be.

Female: Absolutely. If they want to get to it. It has to be at that point. But I think, that's my concern with this look behind, it's going to be very, very individualized, but I think we need to give them the numbers upfront, whoever is doing this should be educated enough, that is not derogatory to say, I need you to help me understand what this number means.

Male: Um --

Female: So this is Susannah. Can we, do we all agree, can we have a yes or it is about access and not

participation?

Male: This is Gary. The -- I'm not entirely clear what Catena is saying in terms of the number. If it is the number of people enrolled in the program type, I'm fine with that, but I'm not fine with enumerating for every single activity, how many people do each thing how many times?

Female: I'm not saying that.

Male: Okay, but I wanted to clarification, and make sure everybody is on the same page.

Female: I'm not saying that, I would say I have X amount of people in day hab. I have X amount of people in employment services. Here are the services that, here is what they can access. These activities. If someone wants to know at what level, we should be able to present that to them. But I think it's very hard, because is like a moving target. This month I may have people doing these activities and next month they might be employed. It would never be an actual, um, a hard number, I woke be. It won't be, it changes too much for all of us.

Male: Uh-huh.

Female: This is Lisa. I apologize, because I was not here last week. But I'm not sure I understand why we have this question for the day services piece. It seems to me it maybe fits better for residential group.

Female: No, totally.

Female: No. This is day hab services?

Female: This is totally about non facility-based day services.

Female: Okay. I don't see that.

Male: This is Brian. So if you think about what many people do during the day -- I mean, if you look down that list, these are the kinds of activities that many people would do during the day.

Female: I don't disagree that many people may do these activities, but that's fine, we can move on, I don't understand it, but that's fine.

Female: Well, this is Susannah if it clarifies a little bit when I sent out the guidelines, if you look at the guidelines for day habilitation there will be things in there about the kinds of services that are provided and, these are things that are literally about what we do.

Female: Okay.

Female: This is Denise, if we have it only being either being access or participation, if there is only access there is no way to know, how do people know that they have access to anything. You can say all day long that they have access.

Female: That is in a different question in here, about how information is made available to people. So we want to make a note of that Denise, I think, that to make sure. And, and there are several questions in here that address people's ability to understand and have knowledge of what's available to them.

Male: This is Gary. I think I agree the distinction is important, and we're really looking at participations an evidence of access. Because access without participation, particularly for the folks we support isn't really access, because they need our active support to make it happen.

Male: This is John. I agree.

Female: So this is Susannah, so where are we going with the wording of this then.

Female: It does stay participate.

Female: It does. But we're discussing access versus participation -- is participation the evidence, not the question?

Female: Why can't it be a slash?

Female: Well, because, then how are you going to answer it. Yeah. They have access, but no one is participating. What is your answer then, yes-no? Yes/no?

Female: Yeah, but --

Male: So this is Brian. So maybe it is two questions.

Female: Two questions.

Male: Do they have access and the next question right after is do they participate. That allows you to -- what -- but if you are characterizing a provider, then if they are saying yes they have access to those things, but there are only a couple of activities that anybody is even participating and they are fairly general categories, doesn't that raise some sort of flag. Is it an indicator about that provider. Or, or, well it is an indicator about something.

Female: Absolutely.

Male: Not necessarily the provider, but about something.

Female: This is Denise. I think it's a case of standards and indicator. The standard is that you have access. The indicators that you do have that access is the results of that whether people know how many people participate. So it needs to be sort of separated in the standards and indicators that's you're complying with those standards. And the overall thing, the only thing that you need to have compliance with is the full access to the greater community. That's what you need to comply with, but all of those things are underneath of it are standards and indicators some will be yes. Some will be no, but in generally what it comes out it is yes. You do have access to the community. Or -- maybe it is questionable.

Female: But, I'm sorry, it is Catena. We have just a sampling here. There are probably about 100 other things we could put here and I don't think we need to get into a yes-no on the specific things that are happening because our services are defined, supported employment is defined, day habilitation services are defined, very generally, hat that to allow the flexibility for the person that wants to access these services to have choices on how that looks for them, correct. For us as providers to be able to figure out how we deliver the service and give them access, if that's what they want to these. I'm concerned that if we get to a yes-no or every opportunity they could have -- it's going, it's, that, I don't even know if we could do that. It's always moving.

Female: So do you have to put anything? Can you put do individuals participate in any, in activities of, of his or her choosing.

Female: I think it is two question, access and participate, but than it is in the look behind. Show me.

Female: Yeah.

Female: Show me where they are accessing.

Female: This is Denise. Look behind is only going to do 20%. And people are really counting on that.

Female: It is a sampling.

Male: 20%?]

Female: 20%?]

Female: 20%.

Female: So --

Female: What?

Male: That's the first.

Female: Leave it all to the look behind.

Male: That is the first.

Female: 20%. And how are they choosing that 20%?

Female: Has that been defined, the 20%.

Female: This is Susannah, when does that information come to me? None of us are heard it?

Female: I know I read it.

Female: I know it is a sampling.

Female: It is in the plan.

Female: Oh, it is in the plan.

Female: I know it is a sampling, I don't know about the percentage.

Male: It is, I have seen sampling, I haven't seen a number. This, this is Gary. I don't have any problem with listing some examples and I notice that the last of the examples is open ended, it is another, which would allow the provider to add their examples that are permanent, without that information the provider self-assessment would give precious little to the decision and the verification teams to go by, and they would essentially have to start over and they would know nothing about the program. So I don't have any problem with this, because to me it doesn't mean anything unless you don't have any examples to show of community participation. You know, on broad strokes, any, there needs to be probably a reasonable amount. Because one of the questions ultimately for DDDS will be for a given setting is it enough? You know, there will end up being a standard at some point in terms of some gauge of what's enough, because what's the middle ground between nothing and, um, 100% community participation? You know, so I have no problem with some specificity, otherwise, either the tool isn't going to serve any good function in giving information the DDDS and CMS, but we can't have it be overly cumbersome either. I think this is a reasonable middle ground.

Female: This is Sybil. I -- this is just my thinking on this, to me these, these, you know, when you say there could be hundreds of different -- items here. Many of these are very generalized, recreation activities. Well, yeah. You could probably come up with 652 million things under recreation activities. But it is generalized [dialing phone]. These are general enough that most of the things that could happen could fit somewhere in the categories. I don't think there is an issue and then, of course, the other --

[Background noise]

So I think this is a good snapshot of --

[Background noise]

Typical --

[Background noise]

Female: This is Susannah. Unless someone has something new to say about this we're going to move on, if that's okay. Because I think everyone has sort of expressed their opinion. Marissa and I will go back to the drawing board and try to get all of that incorporated into this. If anyone has anything something new they want to incorporate into the thought process speak now or we move onto C.

Female: Is the setting located among other residential buildings, private businesses, retail businesses, restaurants, doctor's offices, etc., that facilitates integration with the greater community.

Male: This is Gary. I think the difficulty here is the ambiguity of the statement, because one person's judgment may be very different from another in terms of setting, you know, located among, I like the model we saw in one of the other, it was probably Minnesota, where there was essentially a range of proximity descriptors that aren't super specific, but they're really easy to capture, so you get a really easy picture, whether it is within walking distance, whether it is within a mile or if it is in Timbuktu. Whatever it might be, but what's that specificity it allows the respondent to use totally open-ended judgment, I think it would be problematic.

Female: Does anyone else have anything they want to share about this?

Female: Hello.

Female: Hi, Barb. I'm sorry, I didn't know that you wanted the wall in.

Female: Oh, that's okay. I didn't know I wanted the call in either.

[Laughter]

Female: Okay. Is Emmanuel with you?

Female: No. He's not. He's in his room.

Female: Okay. Well, we're working on the grid now, Barb.

Female: Okay. What's the grid?

Female: We're working on the question that we've been discussions. We put them all on a piece of paper

together in an organized fashion so we can go through one another.

Female: Okay. Yeah. That's good.

Female: Okay. TC is right now reading through section one.

Female: Okay. Does the setting encourage visitors and other people from the greater community, aside from paid staff to be present and is there evidence that the visitors have been there as regular frequencies.

Female: Any comments on this? Yes or no?

Female: No.

[Laughter]

Female: From around the table. Is this -- we're keeping it, losing it, or debating if it. Wow.

Female: This is Lisa. I would suggest maybe that be two separate questions. I know it asks two, it is two separate questions, but you would almost need two answers.

Female: Right. This is Susannah, I have a problem, it is not that we invented these, we listed them from other states and CMS itself, but I have a problem when there are two questions in one question.

Female: That's what I saw, I would recommend they are separated or rewarded.

Female: Is everyone comfortable with that. I'm sure Marissa is doing that right now.

[Laughter]

She's trying.

[Laughter]

Female: Ready.

Female: Okay. Two questions. Yes?

Female: Yes.

Female: Yes.

Female: This is Lisa, again, I'm sorry. In regard to, I know that we're not to the look behind, the second question, is there evidence that visitors have been present at regular frequencies. If a provider says yes. We're just leaving it there. We're not going to ask them what is the evidence.

Female: In my opinion, this is Susannah, no. We're not asking what the evidence is. When the person looking at this is reviewing this and say, wait, this is one that we might want this whole assessment in our whatever percentage we're looking behind on, in which case they would ask for evidence and in which case there would be a sign-in sheet, however that particular facility was handling it.

Female: Right. I was suggested to the group, did we want to ask them to provide, or explain why or what, or what is the evidence. That is fine if we have determined if we don't want that.

Female: This is Terry. Isn't that part of the look behind? Isn't that, what they'll be doing.

Female: Right. But in other words, a provider could answer, yes. There is evidence, we have sign-in sheets. That is fine, I don't mean to make am more complicated, I'm just asking.

Male: This is Gary. I think that part is fine. What I question is the regular in frequencies. I don't understand the relevance of it being regular. To me it is like the same person once a week. Like prison visitation, I don't understand that.

Female: This is Susannah, I agree that needs to be wordsmithed.

Male: The information is, the intention is it is not a rarity.

Female: Okay.

Female: Ready?

Female: TC.

Female: Does the service provide employer at reach and support that is integrating employee with a disability into the general workforce?

Female: This speaks to -- this is Susannah, this speaks to Gail's concern from last week's meeting. That's why that was put in there.

Female: Okay. Here a question that Brian came up with. And I don't know if it can fit or how. Are employers asked if they will distribute inclusion brochures throughout their offices?

Male: This is Brian, that was not my question.

Female: Well, you had your chance.

[Laughter]

I mean, no decision is a decision, Brian. I sent you an e-mail and -- you know?

[Laughter]

Female: Brian has been called to the carpet now.

Female: Now, Brian didn't do anything, is that better.

Male: Sure it is.

Male: Their is Gary, this one arose out of spirited discussion out of whether essentially supported employment could be excluded just because it is supported employment, that integration isn't a question. And I think that is basically what led to all of the discussion. In terms of this, to me, this question only pertains to supported employment, excuse me, because it gets at that distinction and the notion about if the provider, um provides this, the referenced outreach is only permanent on an as needed basis. Because in, if there's no, um, if the provider indicates that the setting, which is a supported employment setting, the person is well integrated on a social basis there is no need for this. So it's a yes. And in some of the other responses when there is a no, its no, and why? And then, it would go on, etc., but this question is framed only by circumstances where supported employment situations is found to be not socially integrated.

Female: This is Terry. Wouldn't you want to have employer reach out and support into a day program? There are people there that may eventually be employed.

Male: This is Brian, that would be a different, I think the intent behind that question that you're asking is just different than what was meant for this question.

Female: Okay. Okay.

Male: This question being the wording that I actual was quite close to what I originally came up with last week.

Female: Okay. Got you.

Female: A question?

[Laughter]

Female: Oh, that's pretty good.

Female: This is -- supported employment.

Female: Could you repeat that?

Female: What is supported employment?

Female: What is supported employment?

Male: That is the service usually for individuals where they work for a community employer and the service provider typically helps them find that job and them supports them in being successful in the workplace.

Female: Okay.

Male: Job coaching.

Female: Oh. Is that something like sheltered workshop?

Male: No. It's entirely in the community and it is --

Female: Oh.

Male: One person working just like everybody else for a community employer, but a job coach visits and helps with any performance problems or social problems you might have on the job.

Female: Okay.

Female: Okay. Brian wants to do number two.

[Laughter]

Female: Go Brian.

Female: Pile on TC.

Female: Okay. Sybil has a question before we move on.

Female: Is that yes we think this should be on there?

Female: This is Susannah, my concern about this is it is not indicative of whether or not we're in compliance and this is an assessment to evaluate compliance. It is something we all know is needed and would be wonderful, but it is not part of the compliance requirements. Is it, Gail?

Female: You might -- it is possible you're right. But the problem is, if it is not CMS is wrong.

Female: Okay. Well, Gail says --

[Laughter]

Female: This is Denise. If it is a service that's paid for by Medicaid on community-based dollars it has to be on there.

Female: But it is not. This is not a service -- it is.

Male: It is an allowable activity under supported employment.

Female: I'm sorry. I must misunderstand this. Okay. Yeah. Integrating the employee in the general workforce.

Female: Yeah.

Female: Is.

Male: This is Brian, not during that outside of a client you're working with.

Female: Not requiring the company, but as a job coach.

Female: Yeah.

Female: Uh-huh.

Female: A supporting that -- okay. All right.

So, is that, then everyone is a yes on this?

Female: That's fine.

Male: It, is this is Brian it sounds like Gary was suggesting adding the words has needed or something to clarify that there might be some individuals for whom employer outreach and support isn't necessary because --

Male: Right.

Male: That place of business is already doing a great job of ensuring that a person is a part of that work culture.

Male: This is Gary. This question implies that, that employer outreach is a required feature in order to be in compliance with the rule. That's not the case.

Female: Right.

Male: You've got a lot of supported employment situations where there's not a problem in terms of integration with the rest of the workplace. On the other hand, there are cases where facilitate is indeed needed. So it needs to be differentiated on an individual setting basis. Keep in mind, individual settings goes down to each employment site is a setting. So it's, in that case, it is an individual assessment. Because it is not particular workplace, um, you know, it's not all of the people in supported employment. It is that particular employment site.

Female: This is Susannah, as long as they are receiving HCV S-wavered services.

Male: This is Brian, to goes back to Gary the point that you brought up before, so one of the things we're going to remember is the, the intent behind it, so if in general, as providers we are reaching out to employers, there might be individual cases where we don't need to, but it's not going to matter necessarily for purposes of answering this question. It is not asking necessarily in every single case --

Female: Do you provide the service?

Male: Are you doing this?

Female: Are you providing the service?

Male: When it is needed?

Male: Right.

Female: That's what the question is, asking.

Male: This is John, what we're not saying, because I'm really confused now, because we have very, when it comes to employment sites we have little control over the sites. And an employer is responsible for paying that person to do a job. So what I'm, I guess what I'm confused about is that -- having the ability to offer the information at, would benefit the individual and the company perhaps on having a more integrated site as you described last week, Gail, versus being proactive to the point where you would be prohibited, if the individual wanted to work there, but in fact, you had the situation you described last week, um, but the person wanted to work there, there is only so much to convince. You cannot require. They don't really give a flying hoot. Okay? But if the individual is productive, earning a living and in a job setting that may not be necessarily appealing to what we see, does the provider then have a responsibility to either make it better or to move the person out of employment? I can see this really getting sticky.

Female: This is Sybil, I don't see the question having anything to do with that. The question is do you provide it. Yes or no.

Male: Okay, but not provide it to the point of being trying to enforce something.

Female: Right. You can't. To me that is common sense. Do you provide it. Yes. We provide. No that is not a service we offer. To me it would be like perhaps it is something you should consider offering. To me this is a very straightforward question.

Male: This is Gary, then what would the proof be?

Female: The proof would be if someone questioned they took this and looking at this one, you say, yes. You provide it, what do you provide. You need to show me what you have. A program, a person who is responsible, a liaison that goes out to the employer if necessary. Do you have brochures, written material, that would be your proof.

Female: This is Marissa, I think probably 100% of the providers that offer supportive employment services do this and do this in a routine basis, because the expectation is that you're assisting the individual as well as the employer to be successful with the work relationship, specific to the employer you're assisting them to support all of their individuals, not just individuals with disabilities. So I'm sure, um, that, the discussions that you're having with the supervisor about the person's performance, coaching the employer or the supervisor on how to perhaps work better with the employee -- I think that goes on all the time. Right? So I think that is probably where most of this would be occurring. And I think the question is, relevant because we do expect that the provider is assisting the person to become more independent on their job. So if the provider is actually doing all of the intervention with the employer and excusing the employer from having to do routine supervision of the person with the disability, then that's not necessarily meeting the expectation of the service as it is defined.

Male: This is Gary. The difficulty I have with it is the approach that we're talking to that issue is sort of the opposite of what being taken with all other items. Rather than looking at the service setting and making a judgment as to whether its -- integration -- within the environment, we're turning it around and getting very prescriptive and saying we're thinking that a provider has to routinely do, X, Y, and Z regardless of outcome. That's not the intent of the rule. I think we're getting overly prescriptive. We need to remember the purpose of the self-assessment is not the find settings that are not in compliance. So if we set a whole bunch of arbitrary rules that don't really go to the heart of the issue. We're making it overly burdensome and we're missing the mark.

Female: How much of a rule is this? This is Gail. Is it a rule or is it -- I don't know, how much when

these questions are asked, how much weight do they carry as far as becoming a rule? That a --

Male: This is Gary. At this point, we have no way of knowing. Given there is no scorecard, it is all going to DDDS and they can do whatever the health with the results. Truth be known.

Female: Well, let's kick it up to them.

Male: Well, they are not going to give us anything back. They just want a piece of paper saying we had our input. They're going to do their thing and life is going to go on. You know, so you know, I think -- I think we just need to be cautious not to make the whole thing too complicated and too burdensome.

Female: This is Susannah, I'm sorry. TC. Barbara, are you still with us?

Female: I thought she tuned out.

Female: Apparently not. All of this is, um, meaningful, helpful discussion, but we're on one and we have five to go through and we've spent 35 minutes on one. So if we're hoping to get through this, which I think we need to today -- um, I'm going to need to find a way to wrap up discussion a little bit more quickly on things. I don't want anyone not to be heard. Um, so --

Female: Okay.

Female: Terry, I know your raised your pencil.

Female: No. No. I was just going to say, this is Terry. DDDS is looking for our recommendations on this. And they can make changes to this. But I think they have a lot of faith in the work we're doing and they're grateful for the work we're doing. I heard that yesterday --

Female: Okay. Is everyone in agreement that we'll move onto two.

Female: Did we say yes to this. Because it is not individualized, right, do we, if we offer, we are outreaching to employers. I'm sure, I just want to be clear, I think we want back and forth on this conversation.

Female: But what is your vote on this, TC?

Female: I say yes. If we're an employment first state and we're providing services then the question should be do you outreach for possible employment opportunities regardless of what the services the person is getting. It is the person's choice if they want to access it or not. It is yes or no.

If this is about integration. This is not about -- I'm sorry. This is Susannah.

Female: That's where I'm confused.

Female: Okay. This question -- were you here?

Female: I heard part of this conversation.

Female: Right. I know that.

Female: Okay. Guys. We're going to have one conversation.

Female: That is the question under this heading.

Female: TC.

Female: This is Susannah speaking. One conversation please. It is really hard to get through it when we're having individual conversations. Catena was speaking.

Female: Okay. I'm processing here. When I look at the header, which is access to the greater community, I'm concerned now the way that I'm hearing the conversation going around this question. If it is about as an agency do we outreach for employment opportunities. That's a yes-no. This isn't about integration in the workforce, I think that's going to come someone else hopefully, this is about as an agency, if I'm doing asked do you have a -- way of connecting to the community for employment, yes-no.

Female: Okay. This is Susannah. Gary and TC. I'm sure that you both have things you wanted to share with the group.

Female: Are you reprimanding Gary.

Female: No.

Male: I thought she was reprimanding you.

Female: No. I'm sorry. I was rude by talking and confused. I said to Gary when he was done speaking I said, well, now just to muddy the waters a little bit, does the setting -- back to D, does the setting encourage visitors. Are we telling employers that we can't have visitors?

Female: This is more specific to a program that has a facility-based come and go. I don't think that we can dictate an employer.

Female: What happens do we say no? Does a setting encourage? Okay. Never mind. So if the, that's --

Female: Right.

Female: On the employer's thing. Okay. All right.

Female: Gary.

Male: I was trying to answer her question of.

Female: Okay. Okay. TC and Gary you're okay now.

Female: We're forgiven.

Female: Yeah. There is no not -- we just want to have one conversation.

Female: Okay.

Female: So we can move forward.

Female: Okay.

Female: Okay. So we're back to E and we're taking -- Catena has asked the question of what the real intent of E is. And I don't know that we have an answer. It was put in there, Catena, because Gail had a story that was very upsetting to all of us about someone being in supportive employment and not being integrated.

Female: But I think that's going to come into regarding services and who provides them or possibly, it's going to come somewhere else. I don't think it is going to come under access of greater community. The question here needs to be. Do you outreach for employment.

Female: Okay. We will table this then until we get to the other section knowing that it is still about, unanswered and we still have to talk about it and make sure it is included somewhere -- we all seem to be in agreement that it needs to be included somewhere.

Male: This is Gary. And its current form, I don't agree that it needs to be included, because the way it's coming out, it's not making any sentence.

Female: Correct.

Female: This is Susannah. It needs to be wordsmithed and the intent of it we're all in agreement that it needs to be included somewhere. The intent, not the wording. Am I okay with that, Gary?

Male: Whatever.

Female: I'm --

Male: No. I disagree with the basic. I very much agree with Gail's concern. But I don't think what's captured here addresses her concern at all.

Female: Okay. So we will table this and we know that it's important to everyone here and we'll put it in a parking lot and have to figure out wordsmithing or something with it. Does that -- does that satisfy that, Gary?

Male: That's fine.

Female: Okay. Brian you're doing two?

Male: Two, be selected by the individual among setting options. A. Is what's the total number of people participating in this day program.

Male: This is Gary. I would suggest those items about how many people in what program go in a grid at the beginning. Because all of the questions, you know, it's totally, um, removed from that issue.

Instructor:

Female: This is Susannah, I totally agree. Catena you're shaking your head no.

Female: No. I agree.

Female: Okay. Is everyone in agreement this should be at a grid in the beginning?

Male: Yes.

Female: Yes.

Female: Great. Moving on.

Male: B. Does the setting afford opportunities for individual schedules that focus on the needs and desires of an individual.

This is Gary. I, I think that item better belongs under category four. I think it is a permanent issue, but I think it is in the wrong section. Because that has nothing to do with choosing your setting option.

Female: Okay. Is everyone in agreement on that? This is Susannah. Marissa is shaking her head no.

Female: This is Lisa. I agree with Gary.

Female: Is everyone in agree. But Marissa.

Female: This is Marissa. I don't necessarily, just -- but it does, it does relate to among, I guess it depends on what you mean by setting. So you know, if, if the person is receiving day habilitation service and that's the service that they want, but, um, where they're receiving they service, the setting which they are receiving their service is, is not of their choosing, then perhaps the may be relevant. But I don't necessarily disagree. I don't think it is something we really have to spend a lot of time on.

Female: This is Susannah, I agree. When we we're going through this, I the questions, you know, the places they fit in was not necessarily obvious at all times.

Female: This should be moved to what.

Female: Four.

Male: C. Did the individual have the opportunity to choose a nonresidential setting from a variety of options?

Female: Why is that in there?

[Laughter]

Female: I just typed it from the grid.

Female: All right. I'm thinking that shouldn't be in there.

Male: Why not? It seems to me, that's the heart of the issue of this element of the rule.

Female: Maybe it should say non facility setting. It says residential.

Female: Right, that's my objection, the residential piece of it.

Male: Oh, it says nonresidential, and that's the language used for day services elsewhere.

Female: Ah.

Male: Yeah. That comes right off of.

Female: That's why it is there then. To all of you nay sayers.

Male: Knowledge residential services. That's the way it is broken out.

Female: Someone is going to have to define that. Someone is going to have to define that.

Female: Right. This is Susannah, I do think when we get through all of this and laid it out what the initial questions are going to be, what those internal grids are going to be, then I think we always need to come up with a glossary at the end saying here is how we describe all of this.

Okay. We're done with two. Who wants to do three? Catena?

Female: I'm sorry.

Female: Do you want to do three?

Female: Sure. Sure.

[Laughter]

The long one. Um, ensure individual's rights of privacy, dignity, and respect. A. Does the setting allow the individual to move about the inside and outside of the setting opposed to one restricted area, room or area within the setting. I think that's a yes.

Female: Yes. Everybody is a yes. It is taken right from the --

Female: B. Does the setting ensure the tasks and activities for individuals who receive Medicaid-funded HVS or comparable task and activities of for persons of similar ages that do not receive Medicaid services. I think that's a yes.

Female: Yep. Yes.

Female: C. Is the setting physically accessible, including access to bathrooms and break rooms. I think yes. Or appliances, equipment, and tables/desks and chairs as a convenient height and location. Does the setting, we're all shaking our heads yes.

Female: Everyone -yes.

Female: Does the setting have obstructions such as steps, lips in a doorway, narrow hallways, etc., that limits individual's mobility in the setting.

Female: Everyone is shaking their head yes. Okay.

Female: If obstructions are present, are there environmental adaptations such as chairlifts or elevators to get around the obstructions.

Female: Uh-huh.

Female: Uh-huh.

Female: Are the settings policy explained to each participant in such a way that it should understandable to the individual.

Female: This is Susana, that question before ability do people know, um, I don't know if this -- totally covers it, but I think -- that's the purpose of this. This --

Female: And, and just to be clear, because as we go back to the heading and its talking about we're providing as providers individuals regarding their rights, privacies, dignity, and respect, and compliance that are all part of our contracts anyway.

Female: Right.

Female: Okay. Um H. Does the center protect the privacy of an individual's health and personal information. Of course.

Female: Everyone is acknowledging yes.

Female: I. If an individual needs assistance with personal care, does he or she have privacy when receiving this support.

Female: Uh-huh.

Female: Yes.

Female: Do staff address individuals in a manner with which the individual prefer to be addressed. Yes.

K. Do staff discuss in public spaces any issues related to specific individuals who attend the day program.

Does the setting prohibit the use of physical restraints and/or restrictive interventions unless documented and agreed upon in the person-centered plan.

Female: Okay.

Female: Does the setting offer a secure place, locker or lock box for an individual to store personal belongings.

Male: This is Gary. I don't understand this one. It is way down in the weeds and it is way beyond the scope of the setting.

Female: Yeah. This one is a hard one for me as well. Because that would be a no. I don't have -- it is about access, truly, if someone brings their belongings, they may or may not be able to lock them up. It's about the setting where they may be -- choosing to, um, participate.

Male: Yep.

Female: This is Denise. I don't think it's necessary to make the whole thing so that everybody can always answer yes. There are yes and no questions and they are just indicators and everything is not going to have

to be a yes. And everything is not going to have to be a no. It's going to take a look at the indicator whether you are in compliance or not. That may be one of them.

Female: Gary.

Male: The only reservation I have, and is, given that we haven't dealt with format and response sets it is yet to be seen, but if the provider is required to give proof of all this, then this is way, these are way too many items for the category. And I think the presumption has to be that if the provider says they're in compliance, they are in compliance end of story. And the look behind, I guess they can come around and look in the closets or whatever the hell they want to do, but there have been references in some of the tools that the provider has to give documentation of compliance of everything. And if it is beyond saying yes. Then we're way too far down in the weeds with so many items.

Female: This is Susannah, has there been any indication from this group that we're going to require, in our recommendation, documentation or are we -- moving that to evidence once there's a look behind? I don't ever remember us saying we're going to require documentation.

Female: I think we had a lot of conversation as we come up to keeping in the forefront of what is the look behind going to be. And sometimes it is going to be documentation, I think that is where it is coming up.

Female: But didn't you say for this we're going to need documentation.

Male: This is Gary. What I said was, we've seen references in other assessment tools of what the documentation is that's required and to tell you the truth, I'm confused when we talk about discussing evidence, which I believe is part of the charge of this group, I'm assuming that the evidence is attached to the self-assessment, not just the verification.

Female: Right.

Female: This is Susannah, I never made that assumption, it doesn't mean I'm right. Marissa, maybe you can speak to that, or really, that's for Terry or Marissa who.

Female: Oh, I think that's a Marissa question.

[Laughter]

Female: It is.

Female: Backing up here.

Female: This is Marissa, let me setup straight.

[Laughter]

Um, I think, obviously the group can make a recommendation on this particular point, but it would seem to me that at the very least it should be, um noted by the agency of where that evidence might be found. So not necessarily having to copy all of your policies and attach it to this assessment or link it to this assessment, but indicating where, perhaps, where perhaps the evidence might be found so that the look behind might move a little bit more smoothly and with less um, demand upon the provider to be as actively involved in the look behind process as perhaps they may not be if they are already indicating this is where you can find this information. Just my -- thoughts on that.

Female: Does anyone in this group, this is Susannah, does anyone in this group want to weigh-in on Marissa's thoughts on this?

Female: This is Lisa. One of the things that I think Gail had mentioned or was suggested in some of our earlier discussions was that the group should consider whether we want to recommend that DDDS provides very specific training to the individuals doing the look behind process. And I wonder if part of this would fit into that training piece of the people who are on those teams doing the look behinds? Just my thoughts.

Male: This is John. I'm kind of, in the same thought process, this, as Susan was, I didn't anticipate we would be supplying evidentiary information upfront, that would happen during the follow along, having said that, I don't know if we're overcomplicating this. Those who have been doing this for a little while, we go through this process on a regular basis when DDDS comes in and audits us for anything, doesn't matter what

it is. They ask for that evidentiary information when they do their audit, in most cases it is, it is pretty routinely located. Meaning they are, they are either in policies, they are in the person-centered plan, whatever, but that information is already there. So I'm not sure why -- I anticipated, because I figured we're going to be one of the organizations that gets followed up. As I anticipated as people were going through looking for information, they would seek that information at that time. If I sat down and marked all yeses, I don't think is going to take me that my word on that, they are going to say come in and show me. When they did that, that is the time I would prevent the evidentiary information I supported the yeses. I don't think that showed up in this process. I think that would be horribly cumbersome.

Female: I agree with you.

Female: Yeah. I agree as well. I think it goes back to the training piece. Because it is going to be very important, the folks, this is a recommendation, I think that needs to be made. Whoever is going on the look behind needs to understand what they are looking at. Because you will look very different than a Gary. And Gary and I will look very different. They need to understand what looks like on the look behind. It may look very sophisticated for some programs and not so sophisticated for other someone else. But it doesn't negate the fact that it is still evidence.

Female: This is Susannah. I think we at least have a majority here who says -- documentation is not part of the assessment. I, I mean --

Male: Well, it is part two of the assessment.

Female: It is part two.

Male: Part one we give you this. This is inside the ballpark conversation, but the fact is lot of us are -- accredited and when we do a car for accreditation, we submit the application to them with the information on them, they come back and seek out the evidence for that information to determine whether or not they are going to accredit us for what we do. We don't provide that in the initial application, that's how, from my perspective, that's how I was envisioning this process, similar to that, where you would come through them, and would suggest, a recommendation I would make is every car team has a-- has a team leader or a chairperson or something who coordinates the meter members within that who knows what they are looking for. That might need to be the DDDS person in the QA determine, knows what they are looking for. And where to find it, knows the questions to ask, and familiar with all of the providers and the diversity of those provides and the other people in that follow along team, then, would follow the lead of that, of that one single person. But I would, again, for no other reason, but for in, in, not dragging this thing out until the end of time, I would have my team designed they wanted. Then you could get that evidentiary information, but I sure wouldn't put it in this.

Female: Denise?

Female: This is Denise. I think, I think we should put our trust in the providers that they answer the questions upfront, truthfully, what it is and that's why I'm always objective to dump the -- on rely on the look behind. I don't think a provider should rely on catch me if you can -- I think they should -- I hate to put it blatantly, that's what I mean by, when people say we'll look for the look behind, they are waiting for DDDS to tell them right or wrong and fix it. They should be upfront about this process and answer it truthfully and not have to put documentation with everything.

Female: This is Susannah. I think, I speak for all the providers who are saying everyone is going to go into this trying to be candid and honest about it. I don't think, I don't think anyone at this table who is a provider would see that otherwise.

Female: I agree. I agree, that's what we should rely on, we shouldn't rely on having the documentation with everything.

Female: Okay. So you're in agreement with all of us.

Female: I'm in agreement with that, and I'm also in agreement with I don't think any provider should put an

answer down and then lie on the look behind. I didn't mean to phrase it like that, but, oh, well I think we are, I'm not sure if they will, so I will put down that we are and then rely on somebody else telling them.

Male: This is John.

Female: I don't know if I'm being clear or not.

Male: No. I absolutely -- actually, not only agree with you, I appreciate the comment, but I really do, I really think we do come to this table with the best of intentions. My only -- um, I guess response to that, though, is that a lot of this is highly subjective and interpretive, which is why I think you have your evidentiary information for the follow along. I may very much believe that I'm in complete compliance with all of this and the evidence that I have, um, I'm would be very confident that was the evidence you needed to have, but again with somebody walking -- with folks walking through the program, they may in fact may not know that and I would be -- concerned about a subjective decision made and so therefore I would rely on that, that follow along just to deal with that subjectivity, not to deal with fraud, or deal with, that, that, we weren't being truthful, but more so to make sure that what's being looked at we're in agreement on that this is the evidentiary information that in fact, I believe has us in compliance. So it's not a total reliance, but I think it's a verification. I would rely on that verification, does not make sense.

Female: It does.

Female: Okay. So are we were ready to move on?

Female: This is lessee, real quick. Just on question M, I think from what I heard in the discussion is maybe this question needs to be wordsmithed little.

Female: Which one.

Female: M. Because that's the one we stopped on, right?

Female: I agree. And I only, I agree with you that all of these questions shouldn't be answered as a yes. But we are still unsure if there is going to go a scorecard, right? And in some of these, if there lots and lots of nos it is maybe putting some providers out of compliance only because of the setting and how the services delivered. For example, if you have someone who is in an employment setting and that's all you do is employment services you're going to have a whole bunch of knows in this section. I don't dictate if they have a locker or a locked box.

Female: This is Lisa. I would agree with you on that. I think having the words locker or lock box maybe is -- is -- maybe we should take that out or my suggestion would be to maybe take that out, because I don't have necessarily, I don't have access to a locker or lock box, but I do have a coat closet that is not for the general community to touch my coat. Or I have an office, because that's where I work. Or I have a break room where I can put my -- things where there is some, um, I have some expectation of privacy and what this, this general heading -- um, is indicating. Privacy, dignity and respect. So I think the locker or the lock box is kind of, I would suggest that we take that out.

Female: This is Susannah, Catena, do you statement -- these questions would not be applicable to a supported employer setting.

Female: That I have to disagree with.

Male: Why not.

Female: Okay. Everybody disagrees with me.

Female: Okay. I do feel that dignity, respect and those things have to be -- let me, I'm not saying that you're not saying that, but I think it is in the wordsmithing and it's going to go our responsibility, if we answer a yes or we answer it no to be clear on why we're answering it yes and no. The way this question, in particular, if we get to semantics is worded, if we simply took out locker or lock box, that parentheses to me that would be yes. Because there is a break room, there is a-- a coat closet, there is something in there environment, but is not, the word secure or lock is where it throws up a no to me.

Female: Hmm.

Female: Okay. I'm at a loss.

Male: This is Gary. Again, I think it is, we can either leave it in or take it out. I think it is largely in material, it is just another item that is descriptive of what goes on in the job setting or the day program setting and in and of itself it means nothing. Because it's not at the heart of the rule. It's a setting's feature. And that's all it is.

Female: This is Lisa. But I would go back to what Denise said, it is an indicator of whether -- the individual has access.

Female: Uh-huh.

Male: Has access.

Female: This is not access?

Female: Right, but in other words, do they have access to a private area.

Male: Do they have privacy?

Female: Privacy, yes.

Male: Privacy.

Female: Okay. So are we going, we're going to wordsmith this. That's the final decision on that. N.

Female: There gates, Velcro strips, locked doors, fences, or other barriers preventing individuals entrance or exit from certain areas of the site?

Female: I'm fine with that, but, of course, an employer controls that not --

Female: O. Does the setting pose or provide information on individual rights?

Female: Uh-huh.

Female: P do staff receive training and continuing education or individual rights and protections? Q.

Female: Are we all yes with P? Okay.

Female: Q. Are provider policies outlining the individual's rights protections and expectations of services and supports provided for the individual in an understandable format.

Male: This is Gary. G and Q are virtually the same.

Female: Yes.

Male: Uh-huh.

Female: But Q just spells it out.

Female: I would go with Q rather than G. My, my -- because it needs to be in -- an understandable format. To the individual.

Male: That's what it says in G also.

Female: But I think this spells out policies outlining rights, protections, and expectations of services. It is rights and responsibilities is really what it is.

Female: Any objections to that we take out G and just leave Q in.

Female: Yes. I object.

Female: You object?

Female: Marissa, what.

Female: Okay. So um -- Q specifically says rights, protections, um, expectations of services and supports, does not cover all policies or is that -- too narrow? Because, G indicates, to me, all policies.

Male: This is Brian so you're suggesting a wordsmith that would say our provider policies including those that outlines individuals, protections, rights, and expectations.

Female: So it is rights all providers policies including --

Female: Uh-huh.

Female: Does that work better for people. Catena is now.

Female: But all policies are not, do not have to be given to the people we serve. All of us have policies for our staff and our organization. I think it is very specific in this when we're talking about rights are, and to

the individual -- that's what, what needs to be given and is it understandable. I mean, if I were to change all of my policies it has no relevance, half of them.

Female: Right. So this is Marissa, is Q, is do you think that includes all policies and procedures that the individual should have knowledge of?

Female: Well, yes.

Female: It says services and supports.

Female: Yeah. I think that is specific to the person.

Female: Okay. So we're taking G out. Everyone is in agreement that. Marissa is reluctant to agree.

Female: This is Denise. I'm not real sure. It says in Q an understandable format. Which is I guess how they are written out or maybe you have an employee handbook or a program handbook or something. But G specifically goes each individual spoken to in a way they can understand.

Female: I think this should be in an understandable format for the individual. In Q. I know that is redundant.

Male: This is Brian, I think what Denise is pointing out. I agree with her. One difference between the two question is in G it says are these explained to each participant, which I think might be construed a little bit differently than are the policies provided in an understandable format. So there's, there's a, this is a -- this is available over here, if you want to take a look. Versus I'm having an active discussion with you about what the policies are.

Female: So provide and explain. You know, we can give you the piece of paper, but do you have questions in your intake, we can go over these things. I think it is part of the process.

Male: Right.

Female: Right?

Male: Yeah. So you know, if, right, so if you added the word explained somewhere in there.

Female: So that a wordsmith, too. We want explained in there.

Male: Provided to the individual and explain today each individual in an understandable format.

Female: For word --

Male: A suggestion.

Female: Okay.

Female: Go on?

Female: Go on.

Female: All right. R. I'm going to need glasses.

[Laughter]

Are there cameras present in the facility.

Male: This is Gary, I assume they're referring to video monitoring or something. It is not whether there are cameras in the facility.

Male: There are cameras in our facility?

Male: It clearly needs to be fixed. Hopefully it is a throw away, but it is not really just referring to cameras.

Female: Excellent point.

Female: Okay. We're checking that as a yes with the wordsmithing, did you?

Female: Uh-huh.

Female: Okay.

Female: Is the individual free from coercion. If the individual has concerns, is she/he comfortable discussing them? I don't know why, I mean, that's specific to the, I mean, we're making a judgment call if the person is comfortable discussing them. The question needs to be rephrased, if they have a concern, how do they voice that concern.

Female: Well, that can't be a yes or no answer.

Female: Yes-no.

Female: Is there a policy?

Male: Is there a mechanism.

Female: Is there a mechanism for them to voice a concern.

Female: I like that better. This is Lisa. Because I agree, that question, how would you know whether -- they feel comfortable discussing a concern.

Male: Right. Same as free from coercion.

Female: Yeah.

Male: Yeah.

Male: This is Brian. I promise I'm not bringing this up to derail this conversation. But I do want to point out part of the reason, so how the residential group, I believe is dealing with this, they are discussing and taking about a survey specifically for clients served. And that client served would be able to answer, and the question word this way would apply for purposes of that. I'm not making suggestions or recommendations beyond --

Female: But that is outside of the self-assessment. That's when you're assessing the person on the services they're delivering not how we are delivering the service. I think ours can be yes. If they want to go and ask the person if they do that, then that's --

Female: This is Susannah. If we actually got through this and got through the next formatting and wordsmithing everything, we could certainly tackle something like that if we wanted to. I believe that is within our -- scope.

Female: Absolutely.

Female: But we really need to get this completed first.

Male: Totally agree. Totally agreement.

Female: Okay. U, does the individual have an active role in developing their I-pay. Are we using I-pay or are we going to use the language of ELP.

Female: This is Susannah. I would rather use the language they use in the, in the CMS final ruling, which is a person-centered plan.

Female: Right.

Male: This is Gary. I think there's a bit of a challenge if we use that language, then the presumption -- of all the equalities that accrue to a person-centered plan are in fact in evidence in all of the plans for these folks and we know that's not the case. So I object to using that terminology, because it becomes a euphemistic labeling of the plan, the plans are what they are for different individuals and their vary tremendously in terms of quality, in terms of what went into developing them and how complete the team was and everything else. Um, so I think we need to be really cautious about that.

Female: Catena is exploding.

Female: Then I have a recommendation. Can we wordsmith it to say, because we all know everyone has a different way of how they are being active in their role, does the individual have an active role in developing their services?

Female: Hmm.

Female: How about service plan.

Female: Or service plan. Sorry.

Male: That works.

Female: This is Susannah. A lot of -- I will say this, you talk about trusting the provider is trusting DDDS. CMS says person-centered plan over and over and over and over again. There was an expectation that people have a person-centered plan. I don't think we leave it out simply because we have a department

that's not doing it. I mean, I think -- I think it is something we're supposed to do.

Male: This is Brian --

Female: I'm in agreement, I mean, I don't disagree with that, I just want to make sure again it goes back to training the people that will be doing this to understand what it means and a person-centered plan will look very, very different for different folks. And that will continue to be the recommendation.

Female: Denise.

Female: Going back again, I keep bringing this up, on page 14 on the statewide transition plan for compliance, on the community-based setting rules. This is Delaware's, and the way it is stated, it says any assessment results that indicate accrued deviations from the requirements under the community rule for specific waiver members must be supported by the individual needs of the waiver member has specified in the person-centered plan. Where deviations recommended the following standards must be met. And then it goes through.

Female: That's our state is saying -- it is fact, there is a person-centered plan. Marissa, that would be question five on your list? I mean, I.

Female: If it is all based. The every deviation from being in compliance is based on a person-centered plan for the individual, then it becomes very paramount to everything. And if it is a better of language, then we need to get this changed.

Female: And I'm not disagreeing with you. I think the concern becomes for those that are on waiver services, and if that were really the reality of all of the people that we were looking at, are people only receiving wavered services then yes. But the folks that are in family supports may not have a formal ELP. And it -- it's the reality of that. And that's a concern when you, when --

Female: What does it take to get one, I'm sorry.

Female: So I think that, it's a good question to be in here, I think it needs to be in here. If it is person-centered plans, I think it goes back to whoever is doing this understands what they're looking for. Because it could be an ELP, it would be an employment plan, it could be, whatever the family support people are doing when they enter services. What a provider provides to the person. So there's a guiding document to the service delivery.

Female: It is Denise. I'm just saying that if you -- have a program and you're not allowing one person to do X because of whatever reason you have, it wouldn't be supportive if you didn't have a person-centered plan to account for that deviation. Only because it looks like what CMS is requiring and what the state of Delaware is requiring. So that's why I, I'm saying that we have to address that. Whether the language or whether it be -- what it means.

Female: Well, this is Gail. What -- I guess I'm not understanding -- what all it takes to create a person-centered plan that can't be done fairly readily. Aren't there models and --

Female: Yes. And it is truly the process of how, how it needs to be done and who's doing it. This has been an ongoing that's responsibility over time.

Female: Okay.

Female: I think I also agree, the question is, simply the person part of the process. Yes-no. Do they have decisions in their service plan, whatever that plan is called or looks like. Right? I mean, I know that is dumbing it down, but it is really, to be in compliance with, with the rule, is the person part of --

Female: I'm sorry. I'm -- I, I'm weighing in with Denise here. It is in the state plan. They're telling CMS that's what we're going to do. So to -- to have this question avoid that because we're not doing it -- and we don't even know whose responsibility it is, I used to be the new person, now I have been here 4 1/2 years. This has been on the table ever since I got here. So it seems to me, let's push and shove a little bit and say this is the time. You put it in your own plan, state.

Female: I agree with you. I'm not-

[Laughter]

That's where the main, and I'm not, I'm not --

Female: Marissa then.

Female: It is. Marissa.

Female: I'm not disagreed, if we call a person-centered plan.

Female: I'm not wearing my splatter sheet.

Female: A person-centered plan, we just need to go back and make sure it is clear. When this goes back to the recommendations to the division that this is their language. That, that this could be -- the hinge, really, for a lot of providers with a yes-no. If the, if we're looking at person-centered plan and what, I'm just simply saying we need to define what that may look like. It may be an ELP. It may be an employment plan, it may encompass a whole bunch of different plans, that's all.

Female: Here's a thought. In the glossary, we just put, a person-centered plan has not been established by the state of Delaware.

[Laughter]

Female: We'll all be out of business.

Female: As much as Marissa wants it.

Female: This is Marissa. What I would say is, all, all of the expectations that we're released by CMS clearly indicate that the expectation is that all states currently have a person-centered plan in process. I think the question might be -- about the quality of each particular state's person-centered planning process. Even those individuals who are currently receiving state plan day habilitation, prevocational services, supportive employment services, there is a, an expectation that the, the -- services and supports that are being provided to that person in those locations are based on the individual's expressed interests, needs, um, etc. So there is an expectation that services are being provided based on the individual's expressed needs and desires.

Female: How do we incorporate that into U, Marissa?

Female: U? Oh, oh -- I -- you're talking about this, this question we're asking about.

Female: Correct.

Female: I --

Female: All right. So we're putting it down there for wordsmithing with a big ugly face on it or something, because we know we're.

Male: This is John, though, I think, and we can wordsmith it later -- don't want to belabor this, but I do think there's an implied responsibility that goes with this in terms of who's, who's being held accountable for the existence of these plans. Under the ELP system that we've talked about and the state case manager does that. On some of the folks coming to us, for instance, from family support, our case managers write that plan, because otherwise, it won't get done. They wouldn't have a yearly plan. So there is a-- a -- there is no clear defined line of accountability for the plan. In compliance seems to me anything. Compliance is based upon accountability. So who has the accountability for, if half of the population that comes to family support and the other half are waiver referred, who has the accountability responsibility to make sure that those plans are there and in compliance. I think, I'm going back to what folks were saying earlier, we're not worried about it now, but if we're going to put it in there, that line has to be worked out. Because if I put yes and you come in and I don't have a plan for -- somebody who's been coming from family support, ah, I'm not out of compliance with what happens, with what DDS does. But I may be out of compliance with this assessment tool, that has to get worked out at some point. I agree with you, Suzanna, it has to come on the table at some time. You have been here 4 1/2 years. I have been here 16. Still, needs worked out. So this could be an unending conversation. But clearly I'm very concerned about the line of accountability.

Female: So noted. That was -- John.

[Laughter]

For the record --

Male: I thought I identified myself, but --

Female: So we have it on there for wordsmithing. We know it's a problem. A challenge.

Female: So we're on V.

Female: Right TC.

Female: Yes. Is there documentation of positive, less intrusive interventions and supports used prior to any plan modifications.

Male: This is Gary. I don't understand the context of V and W. Typically those particular questions pertain to plans that include we have restrictions of rights.

Female: Yeah.

Male: And this language is typically not applied to any change of any plan. So there's something context wale wrong here. Like these were lifted from some section that was probably proceeded by -- um, restraints and things like that.

Female: I think.

Male: So there's something very wrong with just putting these out of context in this assessment tool.

Because these are issues or concepts that do not apply to modifications of any plan.

Female: Yeah.

Female: I thought, this is Susannah, I thought the intent of these was simply to say, the person is involved in their plan. If you're making changes to the plan, they're involved in the changes. Simply, in my head, that's how I thought of it. Obviously, this is -- what, would we like to pull them out and discuss them later?

What would --

Male: This is John. Um, I don't think they need to be here. And the reason for that is such things do exist, there is an entire system that looks over this from the PM46, to provist, to HRC there. Is an entire oversight system for any sort of illegal use of certainly a restriction, I'm sorry, a restraint, or any restriction for that matter. And if there is a problematic requirement for that, there's a process that you go through that is just heavily, it goes right through the attorney general's office, I don't know if you can get much more oversight than that, I think there is a whole process here that addresses that issue. So I don't know that fits into the community-based waiver piece.

Female: This is Susannah. I think Denise wants to weigh-in as a self-advocate on this, but --

Female: It is straight out of CMS. CMS -- um, wants verification if a restriction is put on an individual, what happened prior to that. Is that -- the least restriction you can have on an individual. Did you try anything else ahead of time? I mean --

Female: So -- Gail, question -- is that already done in the, um, vocational providers sections?

Male: This is John, again, I can only speak for myself in the sense that there is a process in place. That, that clearly, that's, that's probably more, from mime perspective, that's more heavily regulated then anything we do.

Female: So it is for you.

Male: So it is already there.

Female: Uh-huh.

Female: So what they're saying is, I know it is residential because I serve on the Houston rights committee. It's very perspective and prescribed and every word has to be there. And discussion on every little restraint, everything they might need or not need. Voting it and the person comes if they want to come, that is all documented and there is a whole process for that. So don't they have a place to go to get that information. Or do we need another one?

Female: The little birdie behind me.

[Laughter]

Just pointed out that if we know back to L -- does the setting prohibit the use of physical restraints and physical interventions unless documented in and agreed upon in the person-centered plan. I think that the piece that we're talking about here is going to fit up into, if there is prohibits, you know if there are any type of physical or restricting programming and planning, these are, I think questions that are asked to find out, you know, once you get here -- are these two things happening.

Female: So Catena, you're saying should be part of L.

Female: Or after or something.

Female: I think, it needs to kind of maybe those three can be combined and --

Female: Here's my, this is Susannah, here's my question, John, to you, if this is, and Gary, too, but if this is all prescribed and it has to be done that way, it would automatically be a yes for you.

Male: Right.

Female: So really if CMS has written this and in what they are doing, and prescribed in everything you do. It is really a no-brainer. We leave it in. It's always going to be yes. Because you're not going to function without it.

Male: That's right.

Female: Well, you can't do it.

Female: So let's just leave it in and not debate it. In my opinion, it is just very simple.

Female: So those three just need to be.

Female: Right, moved up under L or.

Female: V and W are part?

Female: Part of L.

Female: Does the setting prohibit, I'm sorry. Yeah. Use of restraints.

Female: Somehow, that all needs to kind of jive.

Male: Right. So if it is a no, then you go to those two additional questions.

Female: Correct. I think, yep, we have our first subset.

[Laughter]

Female: Do you feel good about that?

Female: Well, I think this is a perfect situation because you're talking about something that there's a process behind already. So -- okay.

Can I go to X. Can bathroom stall doors be locked?

Female: Okay.

Female: Why do staff or other individuals knock before entering.

Female: We hope so. What?

Female: Okay. I mean, that's -- I don't, I don't -- I guess I have a hard time with the reference of that, only because how do we know if every person knocks. I mean, we should -- I'm sorry.

Male: This is Gary. I think it is like a lot of the other training and philosophical orientation questions that -- you can, number one you can observe the practice, which is the best?

Female: Right.

Male: But most organizations have training, things in bedded in performance criteria for staff, etc., that reference, you know, person first language, this type of thing, etc. So you know, it -- seems like a throw -- you know, a freebie, but --

Female: We'll take it.

Male: Yeah.

Female: Z.

Female: Wow.

Female: Communicate in a way the individual can understand. Doesn't that go back to -- I'm going to leave it. It is a yes-no. I'm going to leave it.

Female: Yeah. It is -- yeah. And that came up, Angie is not here today, but remember.

Female: I know.

Female: She was discussing the fact you didn't just mean you used word.

Female: It has to be presented in a way the person can understand.

Female: Seems pretty simple.

Female: Absolutely.

Female: Anyone want to debate that.

Female: No.

Female: Okay. Who would like to do four?

Male: Oh, it is a short one, I'll do it.

[Laughter]

It's only two.

Female: Okay. Optimize autonomy, independence and making life choices. Does the setting provide individuals with contact information, access to, and training on the use of public transportation, such as buses, taxis, etc., and are the public transportation telephone numbers available in a convenient location.

Female: This is Lisa. This is two questions again.

Female: Okay.

Female: I'm just saying, do you want to separate them or not. But it is a very long question, and it is two questions.

Female: That is the same as everything, this is Susannah, just so you know, everything was like eight questions in one thing.

Okay. So Marissa is already breaking that down into two questions. Right.

Female: I marked it to breakdown.

[Laughter]

Male: Okay. If public transportation is limited, does the setting provide information about resources for the individual to access the broader community, including accessible transportation for individuals who use wheelchairs?]

Female: Thoughts? Denise.

Female: Accessible. Looking at the heading. Optimize autonomy, and independence and making life choices. It is boiled down to whether --

Male: You can get around.

Female: Transportation, or if you can get in and out of the building.

Male: In that case we're in trouble.

[Laughter]

Female: Yeah.

Female: We do have on our list, do you want to add things to these. You know, we pulled them from states we all have talked about, but if there are things once we get through all of them, then the next part is, are there any you want to add?

Male: This is Gary, it seems to me like those two items should actually appear under the access to community suggestion, rather than autonomy and independence, and then similarly, I think I mentioned it before, there's at least one item elsewhere that should be in there and then we would be at least have one item under section four.

Female: And then, I'm sorry. I didn't hear the last part.

Male: Two B was recommended to go into section four. And then if we take the current A and B out of

section four and move them to section one, we would be okay that something is in section four.

Female: Okay. Is everyone -- did everyone kind of -- go where Gary was suggesting? Is everyone okay with that?

Female: Are we clear what the suggestion was? Was to take something out of there.

Male: I'm sorry. The two items that are currently under sections four seem to me like they have to do with access to the community, rather than optimizing autonomy and independence, in, in independence in making life choices. Notice the category isn't broadly optimizing independence. It is optimizing independence and making life choices.

Female: Hmm.

Male: But --

Female: What is, nothing under optimizing autonomy and independence and making life choices.

Male: No. We move two B to go under section four.

Female: There are quite a few things up about that could be moved to section four instead of where they are.

Male: Yeah. Yeah.

Female: But I think we attempted to place things based on the category, obviously, there was some question as to whether everyone would feel it would be appropriate here. So I don't think there is any question, that's always up for discussion about where, perhaps they should be located in the five sections. I do think it is interesting that there hasn't been any questions about -- self-advocacy, developing independence skills, but -- there hasn't been.

Female: I agree.

Female: In any state. This is Susannah?

Female: The only one I think it came into a little bit was Hawaii, they had the pictures that you liked.

Female: Everybody shot me down.

Female: No. No. But I think it is -- it is a piece, you know, I agree with you. When I read this, I kept thinking and even in this individualized section, I agree with you, Denise, it is like, wow. Um -- I think we're missing something here. Autonomy, independence, life choices, that really about self-advocacy, but it is hard, because it is a very subjective kind of way of how as an agency we're doing that, because it does come down to an individualized process. So I'm not saying we have to have a long discussion about it right now, but I think we may need to go back and assess some of the tools out there and see if we see, you know, because we threw so much stuff out there, maybe we need to take a glance at them again and see if there are any specific questions regarding self-advocacy and those types of, of --

Female: So this is Susannah. So could I continue, Catena, could I charge you with taking a quick look to see if there is anything about self-advocacy and Denise, could you be charged going through everything that is in here and seeing what things you would recommend pulling from one section to the independence section?

Female: Sure.

Female: So going through all of the states and looking for self-advocacy questions. Is that's what you're asking me to do. As I'm doing the employment.

Female: Right. I realized that in the back of my head at the same time. Would someone else like to do that.

Female: I mean, I will look through some of them, because I threw that out there.

Female: I will volunteer with Catena and we can maybe talk about -- and write that up, and I'll look through X number.

Female: Marissa and I -- Male: I'm happy to help as well. This is Brian.

Female: I mean, there is what? Eight, nine of them now and.

Female: And this is Terry. If you're saying that there aren't a lot of these questions little of the states, so maybe they are not in the stays, gut questions we know we should be asking.

Female: And they may be in there, but not say self-advocacy, us delivering a service, we can wordsmith that to be a self-advocacy question.

Female: But I also think that everyone around the table knows the questions to ask.

Male: Another, this is Brian, another way of, of -- increasing independence that services do have, that providers do have some control over is their processes for fading supports overtime. I haven't seen many questions about that either, but I'm happy to look for those as well, or development questions about that, because I do think it is relevant.

Female: This is Susannah. I agree, something that we touched on about a variety of topics is those things that are embedded in our contracts or embedded in the service guidelines or embedded in requirements from, you know, that, that Gary and John are dealing with. So fading supports is part of supportive employment, I mean it is right in there what you're supposed to do about that. I think it is a great thing. I think it is an important thing.

Male: But wouldn't fading support be across all services.

Female: Well, yeah.

Male: Not just supported employment.

Female: And I don't know it is in all guidelines.

Female: Right.

Female: I'm not sure.

Male: No. I was pointing out, this is Brian, it is a component of increasing a person's independence.

Female: But I absolutely think that is a question in here. You know, of, of where, what level of support, I'm not saying we have to define percentages, but where is someone from being in a one-to-one situation to then getting to Ah You know, where, getting more individual autonomy, the job coach fading back. I mean, I think.

Male: From work to accessing community.

Female: Community, or from facility to community. I mean, I think there are pieces that can be wordsmithed in this part.

Female: Um, and this is Susannah, somewhere I remember and it's not in here anywhere, but it was along the way, one of the states about people having, if they were in a pre voc program that they were given opportunities to, um, encouragement, whatever, I can't remember exactly what it was saying. To move out of that program if appropriate, you know, into, so --

Male: This is Brian, I think that Catena and I looked at.

Female: So what was that, was that Minnesota.

Male: No.

Female: I don't remember.

Male: I don't remember either.

Female: Okay. If you think of it, let me know, because I'll look it.

Male: Okay.

Female: Okay. Um, somebody would like to do five.

Female: I'll do it. Facilitate choice regarding services and who provides them. Does the setting allow individuals to choose with whom they participate in social and recreational activities.

Female: What? Is everyone good with that?

Female: Uh-huh.

Female: Does the setting allow for individuals to have meals or snacks that time and place of their choosing?

Does the setting?

Female: What are you saying? Say something.

Female: I'm not saying anything.

Female: My concern only would be the time, the reference to time. Because --

Female: I think, for, again, if it is going to be a yes-no. I'm just keeping what you're saying to me, it could be very well be a no. Why is it a no. Well, I can't tell an employer.

Female: This is Susannah, in the wordsmithing with this, should be in the same way a person not receiving HBCS-wavered services is.

Female: And if that, if that's the disclaimer under here, then I think that helps with this.

Female: Right, but it needs to be the disclaimer, that is the intent of it.

Female: Well, this is Lisa. It is actually two questions. It could be separated. Well it could be. It could be. Okay.

Female: Yeah.

Female: Because the time is -- distinct from the place.

Female: Right. Okay.

Female: And you may have a yes to time and a no to place or vice-versa.

Female: So you're saying you'll put in a header, all of these are in -- in the same way as people who are non-waiver, non-Medicaid waiver or, in, in --

Female: That is the whole intent of the waiver.

Female: That's the whole thing.

Female: But it needs to be stated somewhere. They are getting, somewhere, in the beginning or somewhere that each question is to be applied to that rule. Don't just.

Female: It has to be.

Female: Not an understanding.

Female: I put down wordsmithing of these, I think when we're actually looking at.

Female: Okay. Does the setting afford the opportunity for task and activities matched to individual skills, abilities, and desires.

Female: Yes.

Female: Okay. Does the setting afford the individuals the opportunity to regularly and periodically update and change their preferences?

Female: Uh-huh.

Female: Has the individual been provided with information on to request a new setting?

Female: That's not question.

Female: That is okay? If the individual's desire it work in an integrated community setting. There are processes to ensure pursued?

Now I have a question. Um, if a new setting is then presented and the individual does not choose it, such as moving from paid to unpaid -- does the individual -- does the individual have a choice?

Male: This is Gary. I think it -- people always have a choice. They might not have the choice that they prefer. Because if the situation you're referring it is, you know, there are a bunch of these occurring now, where programs are changing because of changes in DDS program definitions as well as other factors, organizations are making some changes, and it may, it changes the array of consumer choices. Such that the choices -- some of the choices they might want to pursue, aren't available with that service provider. All service providers don't presume to be there things to all people.

Female: The might not be available with that service provider, but is the person presented with a choice?

Female: This is Marissa. So let me make sure that I understand this. So the question is if a person is currently being paid for work and the setting in which they're receiving that services no longer

available -- um, if the person wants to continue to work for pay is that still an option for them or are they required to go to a service they don't want? Well, obviously if you're fired from a job or lose a job, or the place of employment closes, you still have an opportunity if you wish to continue to work for pay to go back through the supported employment process to find alternate work. So perhaps initially, you might be in a situations a many other folks when they lose their job, initially they are not employed and earning pay, but they have the ability to go back and look for employment.

Female: Well, for instance, if a former shelter-type workshop is converting to a volunteer environment and they have a meeting with the person and there are other environments that do have paid employment that are there to be chosen, is the person given a choice? Whether to stay with that setting or move?

Male: This is John. I think the core of the question is this -- because we are meeting with individuals within our own program about this very issue. If an individual or the team that supports that individual wishes someone to continue to work, but does not see supported employment or competitive employment as a viable outcome, at this point, they do not have the option of remaining within a work program or a prevocational program, the only option they have is to move into a day habilitation program.

Female: Well, why can't they go to another day --

Male: Hang on, let me finish. And the difference is that, that, in the day habilitation program you can't work, and I can't give you work to do, the Department of Labor says I have to pay you to work. And you can't earn pay in the day habilitation program. They can choose to go to another prevocational program to do that. However, that prevocational program is going to require that supportive or competitive employment be an outcome the time they are in the center. It is not regulated by time or anything like that. But it has to be within the plan at some goal the plan will be reached. They will be defined, if it is not in their plan and goal, they will be denied to earn a living in the prevocational setting. I think that's your question.

Female: No. It's not.

Male: I'm sorry.

Female: The core of my question is -- are they being given a choice at the time that their service that their in now is converting to volunteer, day hab, whatever and other services right now which may be in a few years well also be converting, but right now they have paid employment, are they being given a choice?

Male: Times there. They can go to another provider if they close to do that.

Male: This is Gary. Part of the context is can complicate, sometimes the array of choices within a given provider is finite. The choices then go through DDDS. The broader array of choices. So part of the choice element always goes back to DDDS and you can chose amongst the entire array of providers and all the services they have available. You know, offering the times is not strictly to a single provider. It is the DDDS system more broadly.

Female: Okay. So -- when meetings are being held with families and people who are being moved, is this -- DDDS is not present?

Male: They should be.

Female: The case manager.

Female: So then why wouldn't they be given a choice. I'm just thinking it needs to be on here. And it is also in either a CMS material or someplace else that -- did they choose to stay. Where is it, Marissa.

Female: It is in some of the writing of the CMS documentation.

Female: Right. The choice they make.

Female: Well, this talks about setting services. There is an expectation that the -- um, choice process is documented in the person-centered plan. So you know, and it comes down to, you know, what choices then are they being provided? Are they being provided, you are certainly receiving services from A company, and A company has these services available to you now, but you are currently receiving this. And this is all

you have to choose from, or a conversation, here is the service I understand that you want. Here are all of the providers that offer those services so let's talk about setting up opportunities to interview those agencies and discuss whether they can meet your needs. So that of course.

Female: That is already there.

Female: That is a question, whether or not that is occurring.

Female: But is it a question that is already implicit in the practice. Even if it is, should it be here or not?

Female: I think it should.

Female: This is Lisa. I think people may choose, though to go from paid employment to a volunteer and unpaid position if that is part of their plan for competitive employment. There are many people that go to college or whatever, and do an internship that is unpaid in order to get the job that they want at the end of their employment pool. So I can see a path for some individuals who would chose to have some kind of paid employment and then choose to take a volunteer, an unpaid position to get to their end employment outcome.

Female: I'm going to throw a whole other spin on this and I --

Female: First? No?

Female: Here's my concern when we start to talk about this, and maybe I'm off base here, but -- sometimes these services that we have to make a choice between become the amount of time outside of a person's home. Okay. So if I'm in a situation where my employment has come to an end or I'm not happy with my employment, or I have to make a choice between pre voc or day, it may force a person to go into a volunteer or day service because of the amount of time and the way the services delivered in a greater amount of time. Does that make sense? Because you have two or three individuals volunteering out in the community as a provider and support that. Whereas you are looking for employment, it is very one-to-one base, and I'm concerned if employment is the option, then employment needs to be the option. And we need to figure out how to continue to strive for employment. Now, if someone says -- I want to not work. That's a whole different setting. But I'm very, very concerned that we wrestle with people, I need to be out of my home and be engaged. If employment is not keeping to be in the forefront that we're limiting chose.

Female: But what would happen if someone wants to work, wants to have their paycheck, but they are unable to work to get employed by a, um, by a business? First of all, there isn't a job and they are, because, say somebody with -- severe autism, where they are productive, very productive, but they cannot, there is too much stimuli for them to work out there. So does someone like that get thrown into day hab because they cannot go out into the community? This becomes unfair. Right? I mean.

Female: That's not what I'm saying. Because, tug on my heart strings there, because I probably work with the most significant folks with autism and they are out there. And it is my battle and the parent's battle to go back to the decision and say, this is what the person needs to be successful in employment. So it comes down to a philosophical piece here. That's not what I'm trying to drive the question to. I'm trying to drive it to the point of to, I think, your question, is there a chose. If a provider can't provide employment, it goes back to can they split services? Do they have a close to say I can get this piece that is critical for me that Chimes, but I still want this piece, because you have this over here. I think that's, that's question, maybe.

Female: I don't care about the two pieces. They can be there or not be there. But if it comes to where a provider cannot provide employment and some others can, is the person told, we can no longer provide paid employment here, it will be voluntary, or there's a possibility you could have paid employment at X, Y, Z provides. Do you chose to stay here and volunteer or would you chose --

Male: Yeah. This is John, I cannot categorically say it happens across the board. But I can tell you someone that comes to chimes it is not a life sentence.

Female: I hear the words.

Male: That is a different story. Again, for somebody to be discharged from our program by their home

choice, all they need to do is indicate that's what they want to happen. Now, they need another place to go to, that's a system's problem.

Female: If a person doesn't know or have the understanding it is a choice. It is a system problem, I want to know if the system is doing it. To me it is a DDS issue if they are the ones that come to the meetings, now you're going to be over here going to museums and you were packing boxes it is going to be volunteer, and that's it. Cut and dry, or, you can be over here packing, at the museum, or there may be other places you can still pack boxes get a paycheck.

Female: This is Marissa. This is connected to the conversation we had earlier today to the planning process. To some degree it is occurring and to another degree it is not. The division is obviously in the same positions providers that there are? Things that we can currently say that we are -- compiling with and then others that perhaps we need to work on. And I think that -- this is a piece that is related to case management and ensuring that case managers are supporting individuals to express their interests and desires and making sure that the plan is based on the individual's interests and desires. The service definitions for day services include on day hab and pre voc very strong message about employment first and the expectation that these services, day hab and pre voc are provided only if the other things have been accomplished.

Again, whether or not it is happening in every case.

Female: Just saying this is already part of the -- the rules and regulations for case managers. So this isn't where you do it. Okay.

Female: Okay. Denise?

Female: We're talking about F on number five, is that correct?

Female: Yes.

Female: Okay. Because all it says if the individual desires to work in an integrated community setting is there a process to ensure the time is pursued. I think that question should remain.

Male: Yes.

Female: Absolutely it should.

Female: That's fine.

Female: It goes back to the debate in section one about does the person, does the agency outreach for employment. This is specific to the person. If they have the desire to work, um, how is that being pursued? Yes or no. Is it, it could be a whole set of questions.

Female: That is good.

Female: My takeoff was after that, not to say, not to do G. Do you educate your staff on the participant's needs, abilities and interests.

Female: That is a given.

Female: That is an assessment.

Male: Yes.

Female: Do individuals have choice, which is not limited by state laws, regulations, requirements or facility protocol or practices?

Female: I don't even understand.

Female: I don't understand.

Male: That is a crazy question.

Female: That is a crazy question. I don't understand it.

Male: Does anyone?

Female: I have a choice to go work wherever and have one-on-one supports, I'm not sure how that is.

Female: Even.

Male: Well, limit by state law, we have a whole supportive employment program around burglary. And it works really well.

Female: That is good.

Female: This is Marissa, I think this is a question, of course, the division has already started to look at whether our policies and procedures even perhaps law is, um, preventing us from being in compliance. So I don't necessarily -- think it is a broader question.

Female: All right. I attend a person-centered plan meeting.

Female: Oh, let's not even question that. Let's put that we have challenge there.

Female: Pick the time, place, and who attends the meeting?

Female: That is the sub set.

Female: Get to be in charge of their meeting. Get to develop the plan, get to change the plan.

Female: That is all directly from the CMS final rule.

Female: Don't do that to me. That truly goes back to the process and how, how it is defined, because honestly, that is a DDS concern. That is a provider, that's not my concern. I go to meetings and who attends and doesn't is up to debate. So.

Female: DDS getting accessed.

Male: Well, they are. But the trouble is, putting those in the self-assessment.

Female: Right.

Male: Everything makes it look like it is the provider's responsibility and it is a collective responsibility of the system, the service setting for the individual and DDS is part of that.

Female: And this is Susannah. One of things Marissa said in a side note earlier was something to be in the document instructions and I think that is another case where we want-she broad that up relative to the same as every other person who is not under the waiver. And this is, you know, I don't know -- we may, this may not actually be an instruction, we may have to look at that and say, let's pull that out, because this isn't the provider's responsibility. And, and -- that may be something we want to do as we move forward.

Female: This is Lisa. I think it would be helpful and maybe that will be on our agenda for the next meeting is to look at what are proposed instructions for the tool are. Because we're talking about some of these things and we're assessing whether these questions fit or need wordsmithed, but if we don't know what our instructions have at the beginning our assessments not always make sense on the questions based on what the instructions are.

Female: Just to review it again.

Female: In other words I would suggest that we review instructions our proposed instructions at the beginning of the assessment tool for the next meeting.

Male: Perhaps and response set. Because they go hand and hand.

Female: Um, this is Susannah, next week, um, Emmanuel and myself and Terry is also attending and Libby and Bill and -- someone -- and who?

Female: Tim.

Female: And Tim will be meeting with Jane to discuss our progress and how we are doing and where we are in the process of the timeline. So um, I think, we'll have one more meeting before that, I'm meeting Jane on, it will be Thursday. So I think we kind of would like to, I would like to really at least have this basic assessment with all of our agreement on it and the format, the instructions, the glossary, we can work on after that, but or next meeting, but I would like this to be finalized so we can say to her, we've finalized our basic instructions. We've wordsmithed it. We've thrown it up against the wall, we've stepped on it, we've done everything we think needs to be done. Does anyone have any thought about our ability to have that is done by next Wednesday.

Female: Well, this Terry. I do know that CMS is already calling and questioning Jane on the timelines. They want shorter timelines.

[Laughter]

Female: They are written down somewhere.

Male: At least they have a sense of humor.

[Laughter]

Female: Well, our timeline is essentially to deliver our recommended assessment to Jane by the 15th. That's -- that was, that was what we were charged with.

Female: Right.

Female: And we keep adding things we would like to do, I get that we would really like to do those, but I think having this complete and delivered her prior to the 15th. Terry, you're suggesting she might come to us with.

Female: I don't know, but I do know they are asking the assessment to be completed six months, within six months from the submission. So that's the whole assessment, that's what I heard yesterday. Have you heard this?

Female: Um, from March?

Female: Yes.

Female: Wait. So September.

Female: That was my question.

Female: They would like.

Female: The tool or the assessment to the assessment.

Female: And the look behind?

Female: I think, I pretty much believe they are looking for everything to be finished by September.

Male: Finished meaning the completion of the assessment.

Male: We are down to a 1% sample for the verification.

Female: And the questions.

Female: They can put whatever they want on the expected timeline, you may or may not meet that timeline.

Female: Right. Right. I mean.

Female: Just saying.

Female: Don't shoot the messenger. Gail?

Female: I don't know, when you finish that, I have one other thing I want to ask.

Female: Well, so -- are you all thinking that we can, at least complete this piece of it without formatting and without um, instructions, just -- have it wordsmithed and everything in it we want to keep and there is nothing that we want to add that isn't in there?

Female: We are talking about looking at self-advocacy month.

Female: You are saying by the end of next week.

Female: Wednesday's meeting that means Marissa and I will arrange a time to get together and work on this again?

Female: I need to sleep.

Female: So my direction is, um, that the group that's working on the self-assessment piece and that Denise, who is going to work on things is she wants to move into independence, recommend that, if you can get that to me, would Friday be too soon? Could you do it by Friday, and Marissa and I can meet on Monday.

Boy, I'm not getting a resounding yes on that. When do you think you could have it done?

Male: The meeting on Monday, can it be Monday morning?

Female: Sure. Marissa and I haven't looked at our calendars yes. Denise.

Female: This is Denise, I think I tried to move things around in the format that you send out the minutes and I can't do that. If it was sent out, this was sent out like word or something that --

Female: It is an Excel spreadsheet.

Female: Yeah. Just take it and move it to one place or another.

Female: All you have to do is tell us and we'll do it. It's really easy. Have you worked with Excel?

Female: I did. But for some reason I couldn't --

Female: Okay.

Female: Do anything with this. I tried to open up a box up more so I could read all of it on the minutes where there is a black thing through there.

Female: Okay. The minutes are separate from the grid.

Female: This is Marissa, I blacked-out that section because it was related to the previous meeting and it was not related to that meeting. That's why it was blacked-out.

Female: I'm saying overlapped what it said before in the last meeting so the box needed to be expanded down so that you could read everything in the box it is hard to manipulate.

Female: Okay. We're not talking about the minutes we're talking about the change in grid.

Female: Right, but they were both Excel.

Female: But the grid is much similar to work with, I will say, I'm not good, I can work with it.

Female: As long as I can copy and paste.

Female: There should be a way to export the data can in Excel into a Word document. I can do that. And I'm -- poor at Excel.

Female: Well, we don't actually want it in a Word document.

Female: But for her.

Female: She is saying she can cut and paste a lot easier in a Word document.

Female: You can just highlight what you want us to move and send it to me.

Female: That is true.

Female: Just highlight it.

Female: And just move.

Female: Right. And that's just one step.

Um, so back to my question, when do we think we could have this? Monday morning is that's what you're all saying.

Male: Yes. I can.

Female: Terry.

Female: This is Terry. Can I add a question? Is this a good time to do that?

Female: Totally good. We're recapping.

Female: You know much of the people am around are nonverbal. When we talk about communication, I have a big worry in some programs when a person comes in, and this has to do with AT. When a person comes in, their assistive technology that it is not always kept with them and it is not always updated. And that bother me that sometimes you will see the person's voice sitting across the room or somewhere. Is there something that we can put that piece of AT stays with them. I think we talked about this before, you said about calling home, I don't think that is your responsibility. If they don't send it with them, but I do think the responsibility is, if it comes with them it stays with them.

Female: So they have access to it. I think the question then becomes do they have access to their communication device.

Male: And actually I think that fits under your autonomy.

Female: Absolutely it does.

Female: I think that is very important.

Male: Sure.

Female: It could be a voice output. A text system, sign language. Anything. That's where it fits in there.

Female: This is Susannah. I wrote down what you said, Terry, or someone -- to make sure that they have access to their communication device.

Female: Is that what we would call everything? I'm looking to you guys, I'm not sure.

Male: It is a generalized term.

Male: This is Brian, AT applies to so much more beyond communication. So, communication device is specific to communication.

Female: All right. I have that on there.

Female: Tool, tool, not device. Tool.

Male: Tool, thank you.

Female: Device means electronics.

Female: Okay. Got it.

Female: Thank you.

Female: Anything else that people want to add? Actually -- we've already discussed wordsmithing, so we know everything that has to be wordsmithed and now, Terry has added one thing that we want to add to independence. Does anyone else have anything else they want to add? Do we want to have a quick discuss about formatting? What things you would like incorporated into the format?

Male: This is Gary. It is slightly different. At a glance, we've got an awful lot of items in some of these sections and I think maybe we hot to think about pairing it down. Because some of them are very nuanced and very, very detailed and narrow and -- essentially unnecessary on the scope of things. Just in the interest of making things more manageable.

Female: I, I'm sorry. I thought we were doing that has we went through it. I thought we were deleting as we went along.

Male: Well, if I understand the process, what we were doing is saying yeah or nay it was a worth white question. It was not relative to all of the other questions.

Female: Okay. Well I.

Male: That is the problem going one-by-one, you're only looking at that item.

Male: Gary, this is Brian, do you have an example of something you're thinking of?

Male: Well, I'm sort of overcome by the volume of page two. It is partly in comparison, we are obviously very focused on the rights issue and there is a lot of less focus on the other issues. Maybe that doesn't matter, but some of the things are really, really narrow or very closely related to other items. Um, like there are a number of things about, you know, posting and providing information on rights or four or five items that are all around that and it seems like we could maybe slightly broaden the item and reduce the volume of items that way. And maybe that's combined in wordsmithing. If you keep, you know, put an I, if you look at the ones that are very similar, are they all really necessary?

Female: This is Susannah, we have two that are going to become a subset of another one.

Male: Right.

Female: V and W. And one, two, three, four, five, six that are going to be wordsmithed. So as Marissa and I are going through that, Gary, I will make a note to be sensitive to duplication and unnecessary complication.

Male: Okay. Appreciate it.

Female: This is Marissa, I might suggest that whether or not you have the time for this, Gary, sense you are bringing it up, if you wanted to look at that section and offer some thoughts on what could be wordsmithed and combined, that would be really greatly appreciated.

Male: Okay.

Female: Would you send that to me and Marissa by Monday morning? Is that okay to do that?

Male: Um -- maybe. I'll try.

Female: Monday morning is Memorial Day. You know.

Female: Oh, not Monday morning. We're not going to meet Monday, Marissa.

Female: I just thought you were super dedicated.

Female: Tuesday.

[Laughter]

How is Tuesday morning?

Female: This is Denise, would it make you feel any better that residential is 25 pages?

Female: But resident has a lot to go on. They have tools out there that are already there.

Female: I'm just trying to make you feel better.

[Laughter]

Female: I thought we did a pretty good job. I did see residential.

[Laughter]

Um, okay. So we're moving that to not Monday morning, but Tuesday morning. Because we're all off

Monday. Um, I guess Vicky left.

Female: Um, you have a public comment.

Female: Yes.

Female: Okay. For that, this is Gail. I'm concerned about the transcription and that we -- most if not all of us did not get it in time for today. And we've had the problem before of being late, but this is the latest late as far as I know. And I'm wondering if -- DDDS, if they don't have another staff member, I know people are really busy. You have your regular work and here is this whole big thing to do, what about just contracting it out?

Female: It is contracting it out.

Female: Well, then that's a problem with that.

Female: I don't know -- um, when it was posted here, but it not only is Susannah sending it, but it is actually on the -- Delaware.gov website in public meetings.

Female: Okay. So when did it get on there?

Female: I don't know. But it is marked under the particular date. So this would be -- where -- where.

Female: So the maybe that it is coming here before it is getting to Susannah. I don't know.

Female: Well, I'll ask Vicky. She sends it to me.

Female: Okay. Thank you.

Female: I'll ask her today, and I will send out the one that I got yesterday afternoon, um, I won't be back in the office until tomorrow, but I will send it out tomorrow morning.

Female: And what is that, we can just go directly to this Delaware.gov and look under what header.

Female: Public meetings.

Female: Public meetings. Okay.

Female: Are we ready to adjourn, public comment.

Female: Not to add to the discussion, just to say that I appreciate all of the work everyone has done so far. It looks like there is a lot of different opinions represented, and I appreciate being, Lisa's point about not being out more than one question, when we did our self-assessment to practice that is something we ran into being a problem for us.

Female: Great.

Female: Great.

Female: Okay. Happy Memorial Day, everybody.

Female: Thank you.

Male: Thanks.

[Event concluded]

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